IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 284 OF 1999

1. Subhash Maruti Avasare]
2. Mr. Sunil Maruti Avasare]
3. Mr. Rakesh Tukaram Pawar]Appellants
]
(Ori.Accused 3,4 and 5)

versus

State of Maharashtra]Respondents

WITH
CRIMINAL APPEAL NO. 328 OF 1999

Jitendra Bappa Barawkar]Appellant
(Ori.Accused 2)

versus

State of Maharashtra]Respondents

WITH
CRIMINAL APPEAL NO. 329 OF 1999

Umesh Babanrao Khutwad]Appellant
(Ori.Accused 1)

versus

State of Maharashtra]Respondents

Mr. Warunjikar for the Appellants - Accused in all the Appeals.

Mr. A. M. Shringarpure, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
V. M. KANADE, JJ.

DATE : 25TH NOVEMBER,2005

OPERATIVE PART OF THE ORDER :

For reasons separately recorded, the following order is passed :

ORDER

1. Appeals filed by the accused Nos. 1, 2 and 3 are dismissed. Their conviction and sentence is maintained.

2. Appeals filed by the accused Nos. 4 and 5 are partly allowed. Accused Nos. 4 and 5 are acquitted of the offence under Section 302 of IPC but they are sentenced under Section 323 of IPC and sentenced to suffer R. I. for one year and fine of Rs.1,000/- in default R. I. for two months.

3. All the accused to surrender to the concerned Authorities within four weeks from today. After they surrender their bail bonds shall stand

cancelled. If the accused do not surrender, the trial court may take proper steps to send them to custody for undergoing sentence.

4. Accused will be entitled for set off as per the Rules.

5. Appeals are disposed of accordingly.

(D. G. DESHPANDE, J.)

(V. M. KANADE, J.)